

Members:

Rep. Mark Kruzan, Chairperson
Rep. Richard Mangus
Rep. Dale Sturtz
Rep. David Wolkins
Sen. Kent Adams
Sen. Beverly Gard
Sen. Glenn Howard
Sen. Vi Simpson



Lay Members

Michael Carnahan
Randy Edgemon
John Fekete
Hon. Jack Fowler
Marvin Gobles
William Goffinet
Max Goodwin
John Hamilton
Stephen Hohman
Kerry Michael Manders
Gary Reding
Alice Schloss
Patrick Tuley
John Walker
Lynn Waters

LSA Staff:

Tim Tyler, Attorney for the Council
Kristin Breen, Fiscal Analyst for the Council

Authority: P.L.248-1996 (SEA 138)

ENVIRONMENTAL QUALITY SERVICE COUNCIL

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

SUBCOMMITTEE MEETING SUMMARY

Meeting Date: June 23, 1998
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St.,
Room 156-A
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Senator Beverly Gard; John Walker.

Members Absent: None.

TRIENNIAL REVIEW AND AUDIT PRIVILEGE SUBCOMMITTEE-MEETING SUMMARY

TRIENNIAL REVIEW OF INDIANA WATER QUALITY STANDARDS

Witnesses made the following observations about proposed water quality rules issued by the Indiana Department of Environmental Management (IDEM):

- *The proposed language takes the stated water quality goal for the state "to restore and maintain the chemical, physical, and biological integrity" of the waters of Indiana and makes it a standard subject to enforcement.
- *Will the benefit to the citizens of Indiana be worth the cost to the citizens?
- *The proposed rules would be among the most stringent in the United States.
- *A study report should be prepared by IDEM to assist the Governor and the Legislature in understanding the public policy established by the proposed rules

before any enforceable standard is enacted.

- *IDEM should maintain the existing standard regarding sheens and films.

- *IDEM should maintain existing mixing zone provisions for discharges outside the Great Lakes.

- *IDEM should maintain existing Great Lakes Initiative mixing zone and non-contact cooling water provisions for discharges in the Great Lakes basin.

- *The proposed rules do not take social impacts into account.

- *The rulemaking process has had many instances which have led municipalities to question the adequacy of the rulemaking process, including rulemaking concerning the classification and protection of "special waters," wetlands, the E. coli water quality standard, and wet weather limits.

- *The triennial review process should be a review of existing water quality standards and not an excuse to "start from scratch."

- *Numeric criteria are needed to serve as the basis for concentration limits in wastewater discharge permits.

- *Rules provisions should continue to consider all waters fishable and swimmable.

- *Allow permit applicants to demonstrate that specific proposals will not degrade overall water quality instead of creating a series of blanket exceptions without public participation.

- *If pollutant trading is allowed, it should be done through a public demonstration process.

- *It is not appropriate to base the level of protection on existing conditions in a water body.

- *No degradation does not mean no growth.

- *Rules should be simpler and more flexible, IDEM should be well funded and well staffed, better water assessment programs are needed, and greater authority should be given to IDEM to address non-point sources of pollution.

- *IDEM's proposed antidegradation policies warrant very careful consideration.

ENVIRONMENTAL AUDIT PRIVILEGE

Witnesses made the following observations about Indiana's environmental audit privilege statute (IC 13-28-4):

- *The audit language has served as an incentive for companies to determine their own compliance needs.

- *Most companies consider environmental audits a primary tool for achieving environmental compliance.

- *While the audit privilege should still apply to civil proceedings, it should not be used to withhold evidence from a criminal proceeding.

- *Indiana may have to work with the Environmental Protection Agency and the Attorney General to clarify the environmental audit privilege statute.